

June 23, 2023

HAND DELIVERED

Mr. Steve Kahl
Executive Secretary Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: SCS Carbon Transport LLC
Midwest Carbon Express Project
Case No. PU-22-391**

Dear Mr. Kahl:


Please find enclosed herewith for filing with the North Dakota Public Service Commission, an original and five (5) copies of the following:

1. Notice of Motion for Admission of James Curry Pro Hac Vice;
2. Motion for Admission of James Curry Pro Hac Vice;
3. Declaration of James Curry in Support of Admission Pro Hac Vice; and
4. [Proposed] Order Granting Admission of James Curry Pro Hac Vice.

Also enclosed herewith, please find a Compact Disc (CD) containing this letter and the above-referenced documents in PDF format.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/caj
Enclosures

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
Sitting Application**

**CASE NO. PU-22-391
OAH FILE NO. 20230002**

**NOTICE OF MOTION FOR ADMISSION OF
JAMES CURRY
*PRO HAC VICE***

[¶ 1] PLEASE TAKE NOTICE that pursuant to Rule 3.2 of the North Dakota Rules of Court and Rule 3 of the North Dakota Rules of Admission to Practice, the undersigned hereby respectfully moves for an Order admitting James Curry, with the firm of Babst, Calland, Clements and Zomnir, P.C., to practice on behalf of SCS Carbon Transport LLC for the limited purpose of participating in the above-captioned case.

DATED this 23rd day of June, 2023.

FREDRIKSON & BYRON P.A.

By: 

LAWRENCE BENDER, ND Bar #03908
1133 College Drive, Suite 1000
Bismarck, North Dakota 58501-1215
Telephone: (701) 221-8700
Facsimile: (701) 221-8750
lbender@fredlaw.com

Attorney for SCS Carbon Transport LLC

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
Sitting Application**

**CASE NO. PU-22-391
OAH FILE NO. 20230002**

**MOTION FOR ADMISSION OF
JAMES CURRY
*PRO HAC VICE***

[¶ 1] Pursuant to Rule 3 of the North Dakota Rules of Admission to Practice, Lawrence Bender, the undersigned, on behalf of James Curry, hereby respectfully moves for an order admitting James Curry, with the firm of Babst, Calland, Clements and Zomnir, P.C., located at 505 9th Street NW, Suite 602, Washington, DC 20004, to practice on behalf of SCS Carbon Transport LLC for the limited purpose of participating in the above-captioned case. Grounds for this motion, as set forth in the attached Declaration of James Curry, are as follows:

[¶ 2] James Curry has been admitted and is in good standing to appear before the following courts:

- a) District of Columbia, 2011;
- b.) Maryland, 2005; and
- c.) U.S. Court of Appeals for the District of Columbia Circuit, 2013.

[¶ 3] James Curry is not presently subject to any public disciplinary proceedings in any jurisdiction.

[¶ 4] James Curry is not under any restriction or probation in the practice of law in any jurisdiction in which he is licensed.

[¶ 5] James Curry is not and has never been suspended or disbarred from a court in any jurisdiction.

[¶ 6] James Curry has not appeared in another North Dakota State Court proceeding during the last three years.

[¶ 7] Lawrence Bender and/or Tyler Gludt, each admitted to practice law in the state of North Dakota and each with the firm of Fredrikson & Byron, P.A., counsel of record for SCS Carbon Transport LLC in the above-entitled matter, will be associated with James Curry in all phases of this case.

[¶ 8] A copy of this Motion and Declaration is being filed with the North Dakota State Board of Law Examiners. The applicable admission fee was also submitted.

[¶ 9] WHEREFORE, the undersigned respectfully requests admission of James Curry for the special and limited purpose of participating in the above-captioned case on behalf of the Applicant, SCS Carbon Transport LLC, in all phases of the above-described matter.

DATED this 23rd day of June, 2023.

FREDRIKSON & BYRON P.A.

By: 

LAWRENCE BENDER, ND Bar #03908
1133 College Drive, Suite 1000
Bismarck, North Dakota 58501-1215
Telephone: (701) 221-8700
Facsimile: (701) 221-8750
lbender@fredlaw.com

Attorney for SCS Carbon Transport LLC

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
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**CASE NO. PU-22-391
OAH FILE NO. 20230002**

**DECLARATION OF JAMES CURRY
IN SUPPORT OF ADMISSION
*PRO HAC VICE***

DISTRICT OF COLUMBIA: SS

James Curry, deposes and states as follows:

1. I am an attorney with the firm of Babst, Calland, Clements and Zomnir, P.C., located at 505 9th Street NW, Suite 602, Washington, DC, 20004. My telephone number is (202) 853-3461. My email address is jcurry@babstcalland.com.

2. I have been admitted, and I am in good standing to appear before, the following courts:

- a) District of Columbia, 2011;
- b.) Maryland, 2005; and
- c.) U.S. Court of Appeals for the District of Columbia Circuit, 2013.

3. I am not presently, nor have I ever been, subject to a public disciplinary proceeding in any jurisdiction.

4. I am not under any restriction or probation in the practice of law in any jurisdiction in which I am licensed.

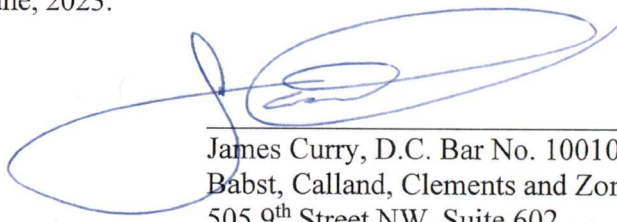
5. I am not presently nor, have I ever been, suspended or disbarred from a court in any jurisdiction.

6. Pursuant to Rule 3 of the North Dakota Admission to Practice Rules, I have not appeared in any other North Dakota State Court proceeding during the last three years.

7. Lawrence Bender and/or Tyler Gludt with the firm of Fredrikson & Byron, P.A., counsel of record for Applicant SCS Carbon Transport LLC in the above-captioned matter, will be associated with me in all phases of this case.

8. The applicable admission fee will be paid to the State Board of Law Examiners.

DATED this 19th day of June, 2023.



James Curry, D.C. Bar No. 1001090.
Babst, Calland, Clements and Zomnir, P.C.
505 9th Street NW, Suite 602
Washington, DC 20004
Telephone: (202) 853-3461
jcurry@babstcalland.com

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DISTRICT OF COLUMBIA ss
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 19th DAY OF June, 2023
NOTARY PUBLIC [Signature]
My Commission Expires 11/14/2023



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
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**CASE NO. PU-22-391
OAH FILE NO. 20230002**

**ORDER GRANTING ADMISSION OF
JAMES CURRY
*PRO HAC VICE***

[¶ 1] Pursuant to Rule 3 of the North Dakota Rules of Admission to Practice, a motion has been filed seeking the admission *pro hac vice* of James Curry, with the firm of Babst, Calland, Clements and Zomnir, P.C., located at 505 9th Street NW, Suite 602, Washington, DC, 20004, to appear and participate in the above captioned matter with Lawrence Bender and/or Tyler Gludt, each with the firm of Fredrikson & Byron, P.A., 1133 College Drive, Suite 1000, Bismarck, ND 58501.

[¶ 2] The Hearing Examiner, having considered the motion and being fully advised in this matter, finds that James Curry has complied with all of the provisions of Rule 3, and therefore:

[¶ 3] **IT IS HEREBY ORDERED** that James Curry be and hereby is granted permission to practice before the North Dakota Public Service Commission for the purpose of participating in the above captioned case on behalf of the Applicant.

Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503
Telephone: (701) 328-3200
hlhogan@nd.gov

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
Sitting Application**

CASE NO. PU-22-391

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the following:

1. Letter to S. Kahl forwarding documents for filing;
2. Notice of Motion for Admission of James Curry Pro Hac Vice;
3. Motion for Admission of James Curry Pro Hac Vice;
4. Declaration of James Curry in Support of Admission Pro Hac Vice; and
5. [Proposed] Order Granting Admission of James Curry Pro Hac Vice

were, on June 23, 2023, filed with the North Dakota Public Service Commission and served electronically to the following:

Hope L. Hogan
hlhogan@nd.gov

John Hamre
jghamre@nd.gov

John Schuh
jschuh@nd.gov

Zachary Pelham
zep@pearce-durick.com

Randall J. Bakke
rbakke@bgwattorneys.com

Bradley N. Wiederholt
bwiederholt@bgwattorneys.com

Steven Leibel
steve@bismarck-attorneys.com

David Knoll
david@bismarck-attorneys.com

Brian E. Jorde
bjorde@dominalaw.com

Kevin Pranis
kpranis@liunagroc.com

Dated this 23rd day of June, 2023.

FREDRIKSON & BYRON, P.A.

By: 

Lawrence Bender, ND Bar #03908
1133 College Drive, Suite 1000
Bismarck, ND 58501
lbender@fredlaw.com
(701) 221-8700

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